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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,433	10/06/2005	Remy Tanimura	125561	8956
25944	7590	01/10/2008		
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER MAI, HAO D	
			ART UNIT 3732	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,433

Applicant(s)

TANIMURA, REMY

Examiner

Hao D. Mai

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 2-17** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- It is unclear whether a method or an apparatus is claimed in claim 2 because: claim 2 fails to recite any step(s), thus failing to further limit the method claimed in claim 1; claim 2 recites the limitation "the device" which lacks antecedent basis.
- Claims 10 and 13 recite the limitation "the axis", which lacks antecedent basis.
- Claims 10 and 13 recite the limitation "the axis of the hollow intermediate connecting part", which renders indefiniteness as it is unclear which and what kind of axis the applicant is trying to claim.
- Claim 13 recites the limitation "the surface", which lacks antecedent basis.
- Claim 14 recites the limitation "the part", which lacks antecedent basis.

Claim Rejections - 35 USC § 102

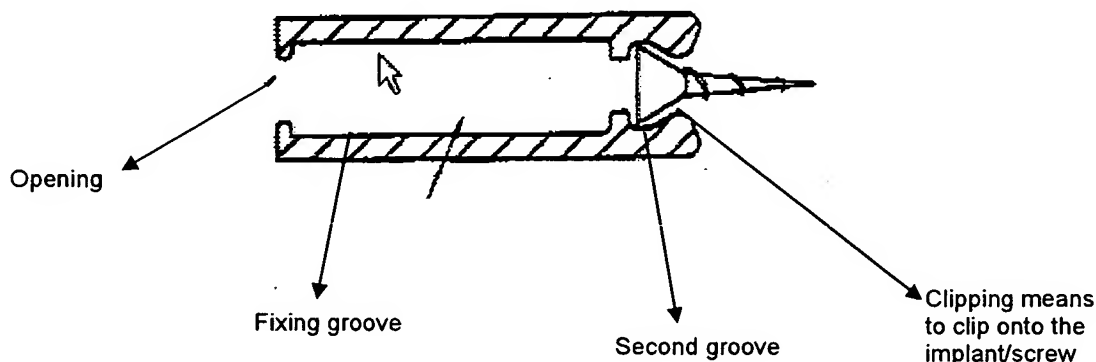
3. The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-7, 13, and 15-16, are rejected under 35 U.S.C. 102(b) as being anticipated by Gambale (6328746 B1).

Gambale discloses a device and method for reversible fixing of a tool to an end of an implantable element, when fitting a dental prosthesis, where the device includes a hollow intermediate connecting part/cartridge 100 comprising: fixing means of annular lip 122 and a fixing groove (Figs. 3-4; see Figure below) for fixing the hollow intermediate connecting part 100 in reversible manner onto an external complementary part of a tool/screw driver 20 (Fig. 2); and clipping means (shown in Figure below) designed to clip onto an external complementary part of a implantable element/screw 17. The fixing groove is shown to be delimited by rim/annular lip 133 arranged at one end of the hollow intermediate connect part 100; a second groove is shown to cooperate with an external rib formed at the end of the implantable element 17 (see Figure below). Hollow intermediate connecting part 100 is disclosed be made out of plastic (column 3 lines 20-25); and includes an opening passing through the surface at both ends for receiving the tool and the implantable element (see Figure below). Screw 17 is capable of being a dental implant; screw driver tool 20 is capable of being a placing tool. The method of reversibly fixing the hollow intermediate connecting part 100 onto an external complementary part of the tool 20 and positioning the tool on the end of the implantable element is also disclosed (column 7 lines 21-24). Such method is also inherently carried out when using the invention as disclosed by Gambale.



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5. Claims 1-2, and 8-17, are (further) rejected under 35 U.S.C. 102(b) as being anticipated by Gervais et al. (7160109 B2).

Gervais et al. teach of a device and method for reversible fixing of a tool to an end of an implantable element, when fitting a dental prosthesis, where the device includes a hollow intermediate connecting part/fixture mount 14 comprising: fixing means of clip 15 and groove 21 for fixing drive tool 18 in reversible/releasable manner onto an external complementary part of the tool 18 (Figs. 1, 4; column 6 lines 47-50); and clipping means of shoulder 51 which is capable of clipping onto the external complementary part of an implantable element 16/12 (Fig. 1). The hollow intermediate connecting part 14 is further disclosed to be made of plastic and/or metal (column 16 lines 31-34), and comprising paralleling slots/openings 148 allowing the hollow intermediate connecting part 14 to be deformable (Fig. 10; column 3 lines 50-56; column 13 lines 1-10). These slots are shown in alternative embodiments to be T-shaped slots 120 (Fig. 8) or oblique slots 138 (Fig. 9). The hollow intermediate connecting part 14 further includes spigots/splines 64 salient towards the inside of the hollow intermediate connecting part 14 (Fig. 2). The implantable element 16/12 is disclosed to be a dental implant 12; the drive tool 18 is capable of placing the implantable element; the drive tool 18 is capable of being a transfer part (column 11 lines 31-34). The method of reversibly fixing the hollow intermediate connecting part 100 onto an external complementary part of the tool 20 and positioning the tool on the end of the implantable element is inherently and naturally carried out when using the invention as disclosed by Gervais et al.

Response to Arguments

6. Applicant's arguments filed 10/12/2007, with respect to rejections of claims 1-6, and 13-16, under Sutter et al. (5947733) have been fully considered and are persuasive.


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Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gambale (63287446 B1) and Gervais et al. (7160109 B2).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hao D. Mai whose telephone number is (571) 271-3002. The examiner can normally be reached on Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



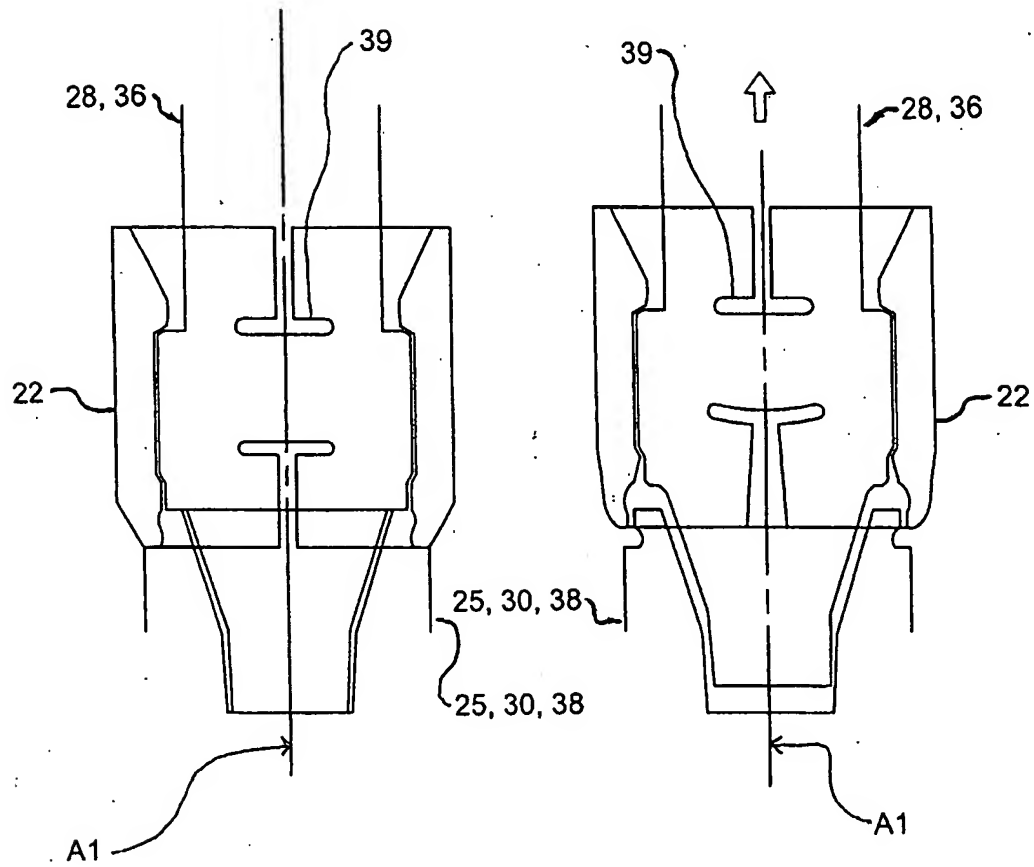
HDM 01/04/2008



CRIS RODRIGUEZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700



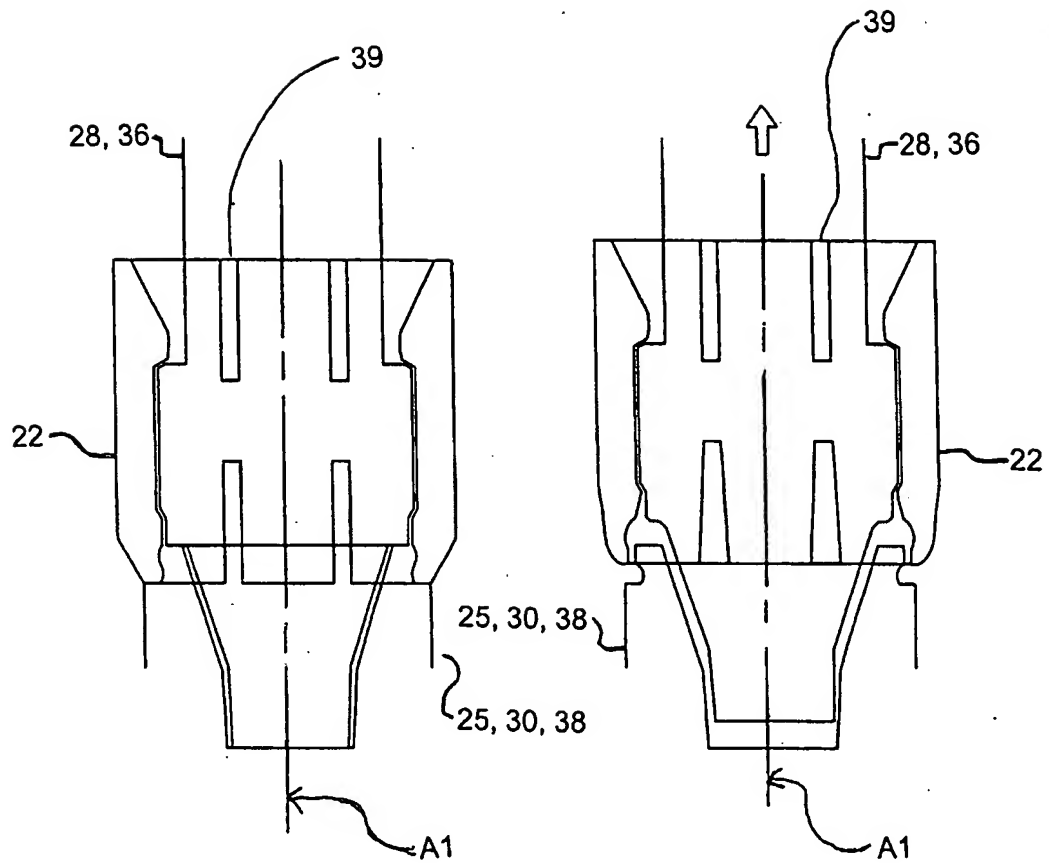
FIG. 22



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FIG. 23

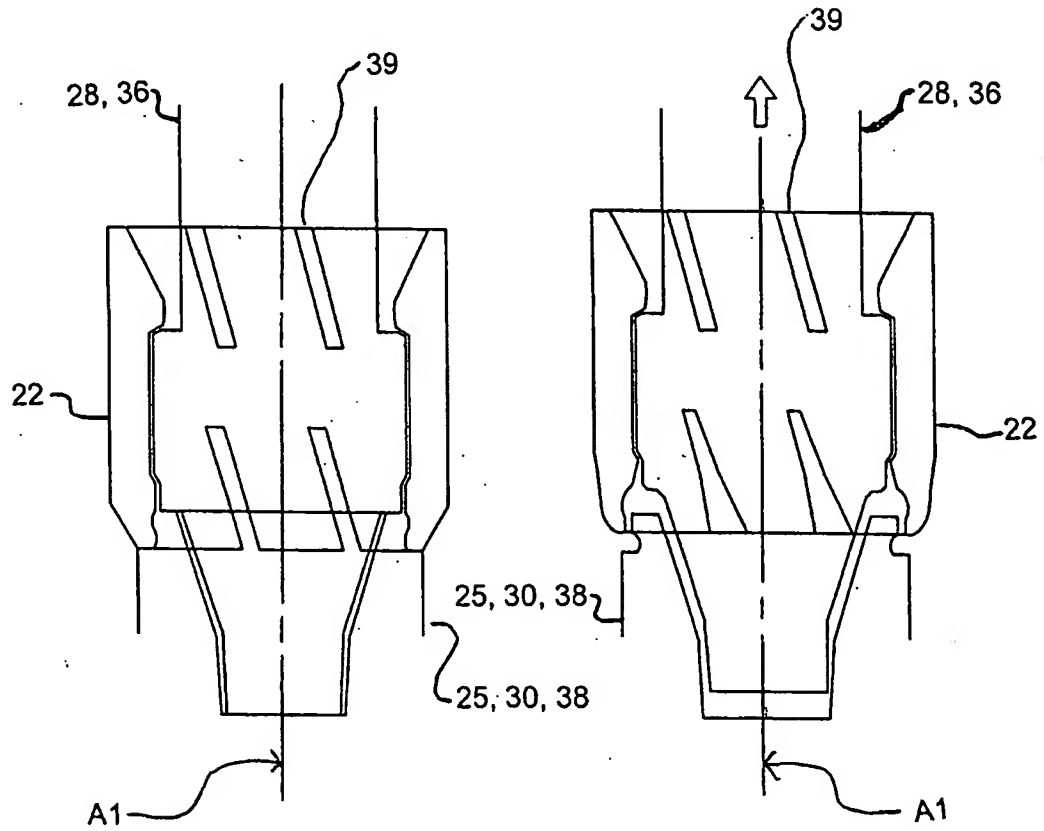


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FIG. 24



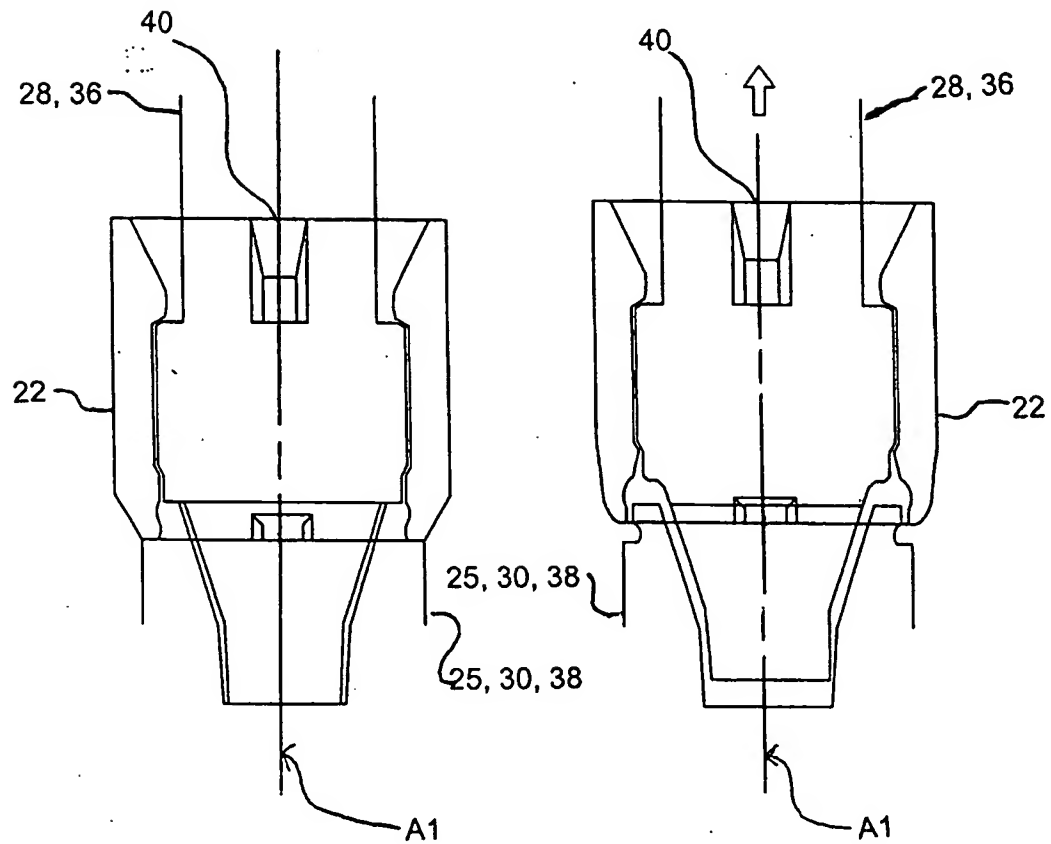
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1/7/2008



FIG. 25



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